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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 JONATHAN WAYNE BOTTEN, SR.;
12 TANJA DUDEK-BOTTEN;
13 ANNABELLE BOTTEN; and J.B., a
minor by and through his guardian
JONATHAN WAYNE BOTTEN, SR.,

14 Plaintiffs,

15 vs.

16 STATE OF CALIFORNIA; COUNTY
17 OF SAN BERNARDINO; ISAIAH
KEE; MICHAEL BLACKWOOD;
18 BERNARDO RUBALCAVA;
ROBERT VACCARI; JAKE ADAMS;
19 and DOES 1-10 inclusive,

20 Defendants.

CASE NO. 5:23-cv-00257-KK-(SHKx)

Assigned for All Purposes to:
Hon. Kenly Kiya Kato– Courtroom #3

**[PROPOSED] ORDER DISMISSING
PLAINTIFFS' FIRST CLAIM FOR
EXCESSIVE FORCE 42 U.S.C. §
1983, SECOND CLAIM FOR
SUBSTANTIVE DUE PROCESS 42
U.S.C. § 1983, THIRD CLAIM FOR
BATTERY, AND SIXTH CLAIM
FOR CAL. CIV. CODE § 52.1
AGAINST COUNTY DEFENDANTS**

Trial: July 28, 2025

Complaint filed: 02/16/23
FAC filed: 06/08/23

1 This cause coming to be heard on the stipulation of the parties, pursuant to Fed.
2 R. Civ. P. 41(a)(1)(A)(ii), for voluntary dismissal, with prejudice, of certain claims in
3 Plaintiffs' First Amended Complaint (Dkt. 27), the parties being in agreement and the
4 Court being advised of the premises of this Order, the Court hereby dismisses:

5 1. Plaintiffs' First Claim for Fourth Amendment – Excessive Force (42
6 U.S.C. § 1983 is dismissed against the County of San Bernardino, Robert Vaccari,
7 and Jake Adams.

8 2. Plaintiffs' Second Claim for Substantive Due Process pursuant to 42
9 U.S.C. § 1983 is dismissed against the County of San Bernardino, Robert Vaccari,
10 and Jake Adams.

11 3. Plaintiffs' Third Claim for Battery is dismissed against the County of
12 San Bernardino, Robert Vaccari, and Jake Adams.

13 4. Plaintiffs' Sixth Claim for Violation of Cal. Civ. Code § 52.1 is
14 dismissed against the County of San Bernardino, Robert Vaccari, and Jake Adams.

15 5. While this case has been consolidated for the limited purposes of
16 discovery with *L.C., et al. v. State of California, et al.*, case no. 5:22-cv-00949-KK-
17 SHK, this stipulation shall only apply to the above-entitled action, *Botten, et al. v.*
18 *State of California, et al.*, case no. 5:23-cv-00257-KK-SHK.

19 6. Each party shall bear their own costs and fees as to these claims.

20 The above-mentioned claims are hereby dismissed with prejudice.

21 **IT IS SO ORDERED.**

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24 DATED: _____

Honorable Kenly K. Kato
UNITED STATES DISTRICT JUDGE